

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ALBERT A. NIGRO,

Plaintiff,

v.

Civil Action No.: 1:10-cv-01037-WMS

MERCANTILE ADJUSTMENT BUREAU, LLC.,

Defendant.

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**UNOPPOSED MOTION TO AMEND CASE MANAGEMENT ORDER**

Defendant, Mercantile Adjustment Bureau, L.L.C. (“MAB”), by the undersigned counsel and pursuant to FED. R. CIV. P. 7, files this Motion to Amend the Case Management Order, and states:

1. On May 24, 2011, the Court entered a Scheduling Order under which the parties were directed to complete all fact depositions on or before October 28, 2011.
2. The parties anticipate eliminating the need for fact depositions by way of notice to admit. The parties are currently negotiating the parameters of the notices to admit.
3. In the unlikely event the parties are unable to agree on the notices to admit, the parties have mutually agreed to request an extension to complete fact depositions.
4. Defendant, MAB respectfully requests this Court grant a 30 day extension through and including November 28, 2011 to permit the parties to conduct fact depositions, and for such other relief as this Court deems proper.

**WHEREFORE** Defendant, MAB respectfully requests this Court grant this Motion and issue a revised scheduling order permitting the parties to conduct fact depositions through and including November 28, 2011.

Dated: October 27, 2011

Respectfully Submitted,

/s Michael Del Valle  
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Attorneys for Defendant  
Mercantile Adjustment Bureau, LLC.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of October, 2011, a true and correct copy of the foregoing was filed electronically in the ECF system. Notice of this filing will be sent to the parties of record by operation of the Court's electronic filing system, including plaintiff's counsel as described below. Parties may access this filing through the Court's system.

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/s Michael Del Valle  
Michael Del Valle, Attorney